IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 584 (M/S) OF 2004

Principal, Welham Boys Schol and another……Petitioners.

Versus

Additional District Judge/FTC-III, Dehradun……..Respondents.

Hon'ble Rajesh Tandon, J.

Heard Sh. Kanwaljit Singh and Sri N.S. Pundir, counsel for the petitioner.

By the present writ petition the petitioner has challenged the order-dated 7.4.1998.

Briefly stated the suit was filed by the respondent no.3 being suit no. 115 of 1984 in the court of Civil Judge, Dehradun and on his termination of services he claimed a relief of declaration and the petitioners have also filed the written statement.

During the pendency of the case an application was filed by the respondent no.3 being application no. 182-C2 and the learned Civil Judge has passed the order that the application does not explain as to what documents are required and on that ground the said application was rejected. Now application no.184-C-2 has been allowed on 7.4.1998. Since the order has been passed allowing the application and producing the attendance register relating to 1983-84 and 1984-85, the order has been passed during the progress of the suit itself.

I find no reason to interfere under Article 227 of the constitution of India. Counsel for the petitioner has submitted that those documents are not available at present and as such it will create difficult situation for him, suffice to state that it will be open for the petitioner to file the application before the appropriate court for modification of the order if the situation so arises.

No interference is required under Article 227 of the Constitution of India and remedy is open to the petitioner to submit before the same court who has passed order, Subject to the above the writ petition is dismissed.

(Rajesh Tandon J.)

Dt/ 28.8.2004
P.B.